

Smithfield City Planning Commission

March 20, 2013

MINUTES

The Planning Commission of Smithfield City, Utah met at the City Council Chambers, 96 South Main, Smithfield, Utah at 7:00 p.m. on **Wednesday, March 20, 2013**. The following members were present constituting a quorum:

Chairperson	David Price
Commission Members	Jackie Hancock Pete Krusi Steven Teuscher Jamie Anderson Steve Edwards
Planning Staff	Jon Wells
Deputy Recorder	Char Izatt
Engineering Staff	Clay Bodily
Minutes	Stacey Dority
City Council Member	Brent Buttars

The notice was provided to the Herald Journal and delivered to each Commission Member and posted at the City Office Building, the Smithfield City Web Page and the Utah Public Meeting Notice web site.

The meeting was called to order by Chairperson Price at 7:00 p.m.

Opening Ceremonies: Jackie Hancock

Visitors: Kenneth D Bischoff, Jeremy Bischoff, Cody Sorenson, Dianna Parker, Ryan Rogers, Lloyd and Janel Heaps, Darla Low, Rachel Bergeson

Excused: Bryant McKay; commissioner, Doug Archibald; commissioner

Workshop Session: The Commission will review suggested changes to the Zoning ordinance, in particular Chapter's 17.32 "Conditional Uses" and 17.36 "Signs".

Chairperson Price inquired if the commission is working through the ordinance by adding and deleting what Jay Baker has designated to change.

Mrs. Izatt mentioned page three is where Jay Baker started making changes; unless you want to start the process over.

Chairperson Price questioned if the commission needed to start over with the conditional uses and signs section?

Mrs. Izatt responded there is a lot in the ordinance that needs to be changed.

Mrs. Izatt noted on page three Mr. Baker crossed out chapter and put title, she feels it is okay the way it currently reads.

Chairperson Price indicated Mrs. Izatt could make the changes on items that are so simple.

Mrs. Izatt indicated on Paragraph A; when we allow the extension in letter B, it should read one year.

Chairperson Price stated we are actually allowing 18 months.

Mrs. Izatt replied sometimes things happen like clearance approvals, trees needing to be removed. It isn't common but it can happen.

Chairperson Price specified at one time the commission discussed that once the construction began we needed a tighter deadline.

Mrs. Izatt stated she didn't remember dealing with that issue. We did deal with final plat extensions.

Chairperson Price mentioned the neighbors don't want the building process to linger on and on. They would like an end to the construction.

Mr. Wells specified when building begins, there needs to be a deadline.

Chairperson Price replied we need to have an incentive to keep the building going.

Mrs. Izatt disagreed for the reason that things happen in the process and we need to allow time for any necessary improvements to be made.

Chairperson Price pointed out someone can come in and reapply.

Mrs. Izatt felt putting an additional deadline makes it harder for the citizen.

Commissioner Anderson restated there is nothing to compel a person to start building.

Mrs. Izatt pointed out paragraph A listed the stipulations.

Mr. Wells relayed a good example of the two building lots owned by the LDS church. The Church was not willing to purchase until everything was in place. They purchase the lots and then they don't do anything. They will have to come in and redo the process when they want to build.

Commissioner Krusi questioned if there are fees included in this process?

Mrs. Izatt stated there are penalties if they don't finish in a certain time.

Chairperson Price inquired if anyone was against the six months?

Mrs. Izatt reminded the commission it is just a question and the one year needs to be changed.

Mrs. Izatt indicated she wasn't sure of all the points Mr. Baker was trying to make in the changes, so she has invited him in for questions.

Chairperson Price indicated we need to understand Mr. Baker's description of content neutral.

The commission decided to ask Mr. Baker to come in and discuss content neutral in regards to the conditional uses.

Resident Input:

Mrs. Izatt invited the commission to workshop training at USU. A registration form was enclosed in their packets. The city will pay for commission members to go to the training and highly encourages them to attend some of the independent training. Please let Mrs. Izatt know if you would like to attend.

Consideration of Consent Agenda

Minutes of February 20, 2013 Planning Commission Meeting

Minutes were approved by consent

The Commission will consider approval of a Boundary Adjustment request for property belonging to the Bischoff Family Trust, Trustee Kenneth Bischoff, located at approximately 200 South and 50 West Parcel #'s 08-073-0005&0006. Zoned R-1-10.

Mr. Bischoff approached the commission seeking approval for moving a property line. The property description is rewritten and recorded at the county. He was unaware he needed to come to the city. The boundary adjustment will make the lot more attractive to someone that would like to build on it. The frontage was 65 ft, with the adjustment it is 75 ft.

Chairperson Price inquired if this change allows access on the second lot.

Mr. Wells indicated there is enough room for access. If there are more than two lots the city would require 30 ft.

Chairperson Price questioned if there were any other unattended consequences?

Mr. Wells inserted he still thinks it is an improvement for the property on the west side. It allows more diverse use of the style of home that can be built on the lot.

MOTION: Commissioner Krusi made a motion to approve the Boundary Adjustment request for property belonging to the Bischoff Family Trust, Trustee Kenneth Bischoff, located at approximately 200 South and 50 West Parcel #'s 08-073-0005&0006. Commissioner Edwards seconded the motion. The voting was unanimous.

Commissioners voting in favor: Hancock, Krusi, Price, Teuscher, Anderson, Edwards

Ryan Rogers, agent for North Ridge Development LLC, has requested approval for Phase 5 (40 Lots) of the Final Plan for Stone Haven Planned Unit Development, located at approximately 690-750 South and 100-150 East. Zoned RM (PUD) (Combined Multiple Family Residential/Planned Unit Development Overlay Zone)

Mr. Rogers approached the commission and notified them they have the clubhouse under construction and this will be the largest phase they have done.

Chairperson Price questioned if there are 40 lots?

Mr. Rogers confirmed each town home has their own lot.

Chairperson Price inquired if there was anything else the commission needed to address.

Mr. Wells indicated Mr. Rogers had complied with everything the city has asked him to do.

MOTION: Commissioner Anderson made a motion to approve the request for Phase 5 (40 Lots) of the Final Plan for Stone Haven Planned Unit Development, located at approximately 690-750 South and 100-150 East. Zoned RM (PUD) (Combined Multiple Family Residential/Planned Unit Development Overlay Zone) Commissioner Hancock seconded the motion. The voting was unanimous.

Commissioners voting in favor: Hancock, Krusi, Price, Teuscher Anderson, Edwards

Brooks Parker has requested approval of a Conditional Use Permit to allow a home based Dog Kennel permit for four (4) Dogs located at 398 North 100 East. Zoned R-1-10.

Commissioner Teuscher stated he was related to the Parkers.

Chairperson Price inquired if there would a conflict of interest and explained to Commissioner Teuscher that he could still participate in the discussion and vote.

Mrs. Parker approached the commission and indicated she had three dogs. They do breed, but at this time they only have three dogs.

Mrs. Izatt mentioned they have had up to four (4) dogs in the past and could want to have another dog in the future so the permit would be a good way to insure there was not another citation.

Chairperson Price inquired if her yard was fenced?

Mrs. Parker mentioned only part way.

Chairperson Price indicated the yard must be fenced or a dog run built.

Mrs. Parker responded they are working towards a kennel.

Chairperson Price inquired what breed of dog she owned?

Mr. Parker responded Siberian Huskies.

Chairperson Price replied that type of dog cannot be loose it must be tethered.

Mrs. Parker specified the dogs sleep in the house the only time they are outside is when it's sunny.

Chairperson Price asked if there are any complaints from her neighbors.

Mrs. Izatt answered yes, some are here tonight and there is one kennel violation and Frank is working with them on that issue.

Chairperson Price reminded the commission it is up to us to impose any safety issues that we see.

Chairperson Price opened the floor for any neighbors or members of the community that would like to speak.

Lloyd Heaps a neighbor across the street from the Parkers approached the commission and admitted he was against having a kennel. The Parkers don't take care of the dogs. The dogs are in his yard in the flower garden and chasing the cows in the pasture next door; early in the morning and later at night. If the Parkers receive a kennel permit, that will give them an opportunity to have more dogs. There is another kennel up the street and there is barking all day and night.

Chairperson Price summarized Mr. Heap's complaint as the Parkers don't keep the dogs on their property.

Mr. Heaps stated yes.

Darla Low a neighbor who lives around the corner from the Parkers indicated she has had the same issue as Mr. Heaps, dogs are loose and tromp through her garden and they are always barking. More dogs would add to the problem. It is not just dogs barking but people yelling at dogs to quit barking.

Rachel Jorgenson a neighbor who lives right to the side and shares backyards indicated she has never had issues with the dogs. The dogs are in by 9 or 10 at night. There is barking but all dogs bark.

Chairperson Price opened the floor for discussion.

Mrs. Parker responded she doesn't let her dogs out until noon and they are on a chain. The only time her dogs bark is if someone is on her property. There have been times they have become loose and it is by accident, if the chain broke. I am home with three children and my husband is gone. I have a hard time getting right out to round the dogs up. She indicated the white male dog that did get loose had been re-homed.

Chairperson Price notified Mrs. Parker it is her responsibility, if we grant the kennel permit, to make sure the dogs are properly contained either by a kennel or fenced yard.

Commissioner Anderson relayed the minimum requirement is a fixed dog run.

Chairperson Price summarized if we allow the kennel permit it will have to be fenced yard or fixed dog run, not chains.

Mrs. Parker inquired what time frame she would have to put up the kennel.

Chairperson Price reaffirmed the commission can't approve the kennel permit without the dog run. The dogs will have to stay in the house until it is built, then you can approve it with Mrs. Izatt when you are done.

Mrs. Izatt requested Chairperson Price list the condition so it will indicate Mrs. Izatt as taking care of the permit when the kennel is complete.

Chairperson Price responded to the neighbors regarding the barking and noise. If you will keep some type of record of the barking and dogs being on your property this will help us when this request comes again or if there is another problem.

Mrs. Izatt responded the breeding is part of the issue, but they are allowed until they are six months old. We don't have record of any other complaint.

Chairperson Price sympathized with the neighbors that it is a slow process but if they will document the complaints the commission will have her come back in.

Mrs. Izatt indicated this is a safety factor because of the type of dog.

Chairperson Price addressed Mrs. Parker again and disclosed if her dogs are loose and the neighbors complain she would have to come back in. Chairperson Price asked Mrs. Izatt if this was a three year permit?

Mrs. Izatt confirmed yes it is a three year permit and then they can renew the kennel permit. The ordinance requires they be brought back for discussion and their neighbors will be notified.

MOTION: Commissioner Anderson made a motion to approve the request for a conditional use permit to allow a home based Dog Kennel permit for four (4) Dogs located at 398 North 100 East. With the condition, if and when the dog run is installed and provided it is placed on property indicated in the paperwork provided by city staff. Commissioner Edwards seconded the motion. The voting was unanimous.

Commissioners voting in favor: Hancock, Krusi, Price, Teuscher, Anderson, Edwards

ADJOURNMENT

MOTION: A motion was made by Commissioner Krusi to adjourn the meeting at 7:58 p.m. Commissioner Teuscher seconded the motion.

Commissioners voting in favor: Hancock, Krusi, Price, Teuscher, Anderson, Edwards

David Price, Chairperson

Attested:

Charlene Izatt, Deputy Recorder